

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

MICHAEL SIMS,	)	
Petitioner	)	
	)	
v.	)	CAUSE NO. 3:07-CV-036 RM
	)	
SUPERINTENDENT INDIANA	)	
STATE PRISON,	)	
	)	
Respondent	)	

OPINION AND ORDER

Michael Sims, a *pro se* prisoner, filed a petition seeking relief under 28 U.S.C. §2254. Mr. Sims states that he has previously sought habeas corpus relief before this court in *Sims v. Davis*, 3:03-CV-401 (N.D. IND. filed June 3, 2003).

A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

28 U.S.C. § 2244(b)(1). Therefore to the extent he is attempting to raise previously presented claims, they must be dismissed.

Before a second or successive application permitted by [28 U.S.C. § 2244(b)(2) which was not presented in a prior application] is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

28 U.S.C. § 2244(b)(3). Mr. Sims has not obtained an order from the court of appeals. "A district court must dismiss a second or successive petition . . . unless the court of appeals has given approval for its filing." *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original). Therefore to the extent he is attempting to raise new claims, they must also be dismissed.

For the foregoing reasons, the habeas corpus petition is **DISMISSED** for want of jurisdiction.

SO ORDERED.

ENTERED: February 2, 2007

/s/ Robert L. Miller, Jr.  
Chief Judge  
United State District Court